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Attorney's Pocket No. 04094/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Kiyoshi SUGIYAMA et al  
Serial No. : 10/789,157  
Filed : February 27, 2004  
For : COUNTERWEIGHT FOR HYDRAULIC  
SHOVEL  
Art Unit : 3652  
Examiner :

**INFORMATION DISCLOSURE STATEMENT WITH  
STATEMENT UNDER 37 C.F.R. 1.97(e) AND  
STATEMENT UNDER 37 C.F.R. 1.704(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

Submitted herewith are:

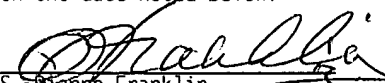
- (1) Copy of a communication (Search Report) issued from a foreign patent office in a counterpart European application;
- (2) Copies of the cited publications; and
- (3) Form PTO/SB/08A. It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have been considered and made of record.

Copies of Japanese 2001-106479 and 2001-279722, cited in the European Search Report, were already filed in the USPTO with the Information Disclosure Statement filed February 27, 2004. Therefore, these documents are not listed on the enclosed Form PTO/SB/08A, and duplicate copies are not supplied.

USP 6,481,748 is a member of the patent family of Japanese 2001-106479. USP 6,481,748 is identified on the attached Form PTO/SB/08A.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date noted below.

  
S. Dianne Franklin

Dated: August 5, 2004

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

Said communication is in English, thereby satisfying the requirements for a concise explanation of relevance for any non-English language documents cited therein (MPEP 609 III A(3)).

**STATEMENT UNDER 37 C.F.R. 1.97(e)(1)**

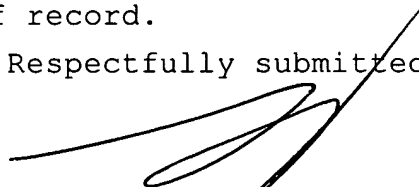
Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of July 15, 2004. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

**STATEMENT UNDER 37 C.F.R. 1.704(d)**

Each item of information contained in this Information Disclosure Statement was cited in said communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the present Information Disclosure Statement.

It is respectfully requested that the attached publications be considered and made of record.

Respectfully submitted,



Leonard Holtz, Esq.  
Reg. No. 22,974

Dated: August 5, 2004

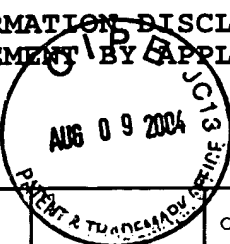
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PTO/SB/08A (08-00)

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Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  	Application Number	10/789,157
	Filing Date	February 27, 2004
	First Named Inventor	Kiyoshi SUGIYAMA
	Group Art Unit	3652
	Examiner Name	
Sheet 1 of 1	Attorney Docket Number	04094/LH

## U.S. PATENT DOCUMENTS

Exam. Inits <sup>*</sup>	Cite No <sup>1</sup>	Document Number	Kind Code <sup>2</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		6,481,748	B1	OKUDA et al	11-19-2002	

## FOREIGN PATENT DOCUMENTS

Exam. Inits <sup>*</sup>	Cite No <sup>1</sup>	Offc <sup>3</sup>	Document Number <sup>4</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>6</sup>
		EP	1,413,684	A1	KOMATSU LTD.	04-28-2004		
		JP	08-068075	A	KOMATSU LTD.	03-12-1996		*
		JP	2000-309946	A	YANMAR DIESEL ENGINE CO., LTD.	11-07-2000		X

\*English language  
Abstract only.  
\*Partial English  
translation only.

Examiner Signature		Date Considered	
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Place a check here if English translation is attached.

DATE MAILED: August 5, 2004